THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.20103 OF 2005

Dated 14th September 2005

Between:

S.Bikshamaiah S/o.Lakshmaiah, 39 years,

& 9 others.

…Petitioners

And

The Managing Director & Vice Chairman,

APSRTC, Musheerabad, Hyderabad & others.

…Respondents

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O R D E R:

The petitioners are enlisted, as Daily Wage Conductors, in the Manuguru Depot of APSRTC. The Depot Manager, Manuguru, the 4th respondent, addressed a letter dated 16.8.2005, to the Regional Manager, Hyderabad City Region, the third respondent herein, stating that the petitioners herein have become surplus, and that they may be permitted to report to the third respondent. The petitioners contend that they are paid meager salaries, and it would be difficult for them, to have an establishment at Hyderabad, that too, when their engagement itself is uncertain. It is also contended that they would take their chance, according to their seniority, on rotation, and that the proposed transfer be set at naught.

Heard the learned counsel for the petitioners and the learned Standing Counsel for respondents.

On the ground that the petitioners have become surplus at Manuguru Depot, the 4th respondent proposed to keep them at the disposal of the third respondent. This Court would have been hesitant to interfere with the same, had it been a case where the petitioners are employed on regular basis, with the third respondent. Whether the petitioners are with the 4th respondent as of now, or with the third respondent, after such a transfer, the engagement of the petitioners is strictly on rotation basis, and subject to availability of work. Requiring them to reside at Hyderabad for all those days, would certainly cause hardship to them. When the petitioners themselves are prepared to work under the existing conditions, the 4th respondent cannot have any plausible objection.

For the foregoing reasons, the writ petition is allowed, and it is directed that the petitioners be continued on the rolls of the 4th respondent. The engagement of the petitioners shall be subject to availability of work, and in accordance with seniority maintained for them. There shall be no order as to costs.

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14th September 2005

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